



Requested Items  
of Evidence

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(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/681,497  
Applicant : Stephen G. Bales  
Filing Date : October 27, 2003  
Title : Lignocellulosic, Borate Filled, Thermoplastic Composites  
Examiner: Matthew J. Daniels  
Art Unit : 1732  
Docket No. : LA 001  
Customer No. 000048373

**Declaration Under 37 CFR 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

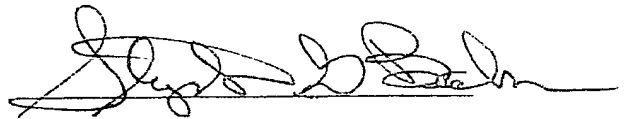
I, Stephen G. Bales, declare that all the statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true:

1. In October, 1999 I conceived the use of calcium borate as a fungicide in lignocellulosic composites, also commonly known as wood composites (WC's). Based on further investigation, I then conceived of using CB as a fungicide in lignocellulosic thermoplastic composites, commonly known as wood-plastic composites (WPC's), in July, 2000.

## BEST AVAILABLE COPY

1.131 (continued)

2. By October, 2000 an arrangement had been made for WPC samples containing calcium borate to be prepared for testing. In May, 2001 the initial samples had been prepared and placed in Ohio and Florida test sites. In October, 2001 additional WPC samples containing calcium borate were prepared and placed in these test locations.
3. As a result of testing a range of additive loadings, the discovery was made that calcium borate is an effective WPC fungicide. Further, the surprising discovery was made that CB at loadings as low as 2% increases WPC resistance to surface impairment caused by mold growth. This also addressed a long felt need as described in my declaration under 37 CFR 1.132 dated Nov. 22, 2005.
4. I acknowledge that willful false statements and the like are punishable by fine and/or imprisonment, and may jeopardize the validity of the application of any patent issuing therefrom.



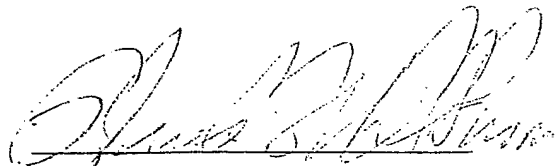
17 Hart Lane, Sewell, NJ 08080

Sworn in the State of New Jersey, County of Gloucester

In the State of New Jersey, this 19 day of June, 2006

Witness my hand and official seal.

My Commission Expires: 14 July 2009



Notary Public

GABRIELE S. MASTROBUONO Notary Public - New Jersey My Commission Expires July 14, 2009 of 2
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